

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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DONALD D. MARTIN.

Case No. 3:15-cv-00019-MMD-WGC

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Petitioner,

ORDER

U.S. DISTRICT COURT.

Respondent.

Petitioner submitted a *pro se* motion for relief from judgment pursuant to Fed. R. Civ. P. 60(b) (dkt. no. 1-1) about one year after the dismissal of his federal habeas petition as untimely. See 3:13-cv-00306-RCJ-WGC. Because he failed to include the case number on his motion, and he also submitted a new application to proceed *in forma pauperis* (dkt. no. 1), his motion was docketed, in error, as a new petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2254. However, the Court has concluded that petitioner intended to file his motion in his previously commenced habeas action, case no. 3:13-cv-00306-RCJ-WGC.

It is therefore ordered that the Clerk shall detach the motion for relief from judgment (dkt. no. 1-1) and the motion for counsel (dkt. no. 1-2) and shall file the two motions in case no. 3:13-cv-00306-RCJ-WGC.

It is further ordered that the Clerk shall close the instant action in accordance with this order.

DATED THIS 21st day of April 2015.



MIRANDA M. DU
UNITED STATES DISTRICT JUDGE